

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA)	DOCKET NO. 3:05CR98-MU
)	
vs.)	<u>ORDER</u>
)	
ANTONIO CROCKETT, et al.,)	
)	
Defendants)	
_____)	

THIS MATTER IS BEFORE THE COURT on Defendant Antonio Crockett’s Motion in Limine to Preclude Inadmissible Propensity Evidence. The Government previously filed notice in this case of its intent to introduce evidence of Defendant’s prior bad acts pursuant to Rule 404(b) of the Federal Rules of Evidence. After examining the briefs on this issue, it appears to the Court that this evidence weighs solely towards Defendant’s propensity to commit the charged crime, and is therefore inadmissible under Rule 404(b). Further, any other value this evidence might have had is outweighed by the prejudicial effect of its admission, especially at this stage in litigation. The Court specifically notes that a motion in limine had to be filed before the Government deigned to reveal the identity of the prior bad acts in question. In fact, the Government’s initial notice does not even specify which defendant the notice was directed towards. Thus, even were the evidence admissible under Rule 404(b), it would still be inadmissible as more prejudicial than probative under Rule 403 of the Federal Rules of Evidence. Defendant’s motion is **GRANTED**.

IT IS SO ORDERED.

Signed: March 24, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge



Signed: March 24, 2006

Signature Line

Title of Signing Officer
United States District Court

